

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

GWENDOLYN L. BOHANNON

PLAINTIFF

VS.

CASE NO. 5:07CV00123 JMM

**JOHNSON FOOD EQUIPMENT, INC.,
D/B/A BAADER-JOHNSON, ET AL.**

DEFENDANTS

TYSON POULTRY, INC., AND TYNET CORP.

INTERVENORS

ORDER

Pending before the Court is plaintiff's Motion to Strike Supplemental Initial Disclosures of Defendant (#229). For the reasons stated below the motion is granted.

On September 11, 2009, the Court issued an Order which stated:

When the Court issued the rescheduling order, *it did not reopen discovery or allow for the designation of new experts or other witnesses*. Defendant, who has new counsel, has moved to reopen discovery, to establish new discovery deadlines, and to identity new expert and fact witnesses based upon new counsel's anticipated trial strategy. (emphasis added).

The Court went on to state that defendant's motion was denied.

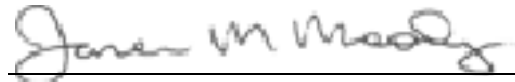
Defendant subsequently served plaintiff with supplemental initial disclosures on December 21, 2009, stating that defendant had three new retained experts, that a previously disclosed fact witness Antoine Winklemolen may also provide expert opinion on the events leading to plaintiff's injury claim, and identified a new fact witness.

Plaintiff seeks to strike that portion of the disclosures which names new experts or new expert testimony, and identifies new fact witnesses.

Based upon the clear language of the Court's September 11, 2009 Order, plaintiff's motion is granted. These disclosures are stricken.

To the extent that plaintiff's motion can be interpreted as a motion *in limine* to exclude testimony, it is also granted. The defendant is precluded from presenting any evidence or related arguments from these witnesses with the exception that Antoine Winklemolen, who was previously identified as a witness, may testify. However, he may not testify as an expert witness.

IT IS SO ORDERED THIS 14 day of January, 2010.

A handwritten signature in cursive script, appearing to read "James M. Moody", written over a horizontal line.

James M. Moody
United States District Judge